



26 JUN 2006

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KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

In re Application of ZIMMERMANN et al :  
U.S. Application No.: 10/563,990 :  
PCT Application No.: PCT/DE01/00678 : DECISION  
Int. Filing Date: 22 February 2001 :  
Priority Date Claimed: 08 March 2000 :  
Attorney Docket No.: 10191/2040 :  
For: OBJECT DETECTION SYSTEM :  
:

This is in response to applicant's "Petition Under 37 C.F.R. 1.182" filed 16 December 2005.

**BACKGROUND**

On 22 February 2001, applicant filed international application PCT/DE01/00678, which claimed priority of an earlier Germany application filed 08 March 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 13 September 2001. The twenty-month period for paying the basic national fee in the United States expired on 08 November 2001.

On 08 November 2001, applicant filed purported national stage papers in the DO/EO/US. The submission included a Transmittal Letter (Form PTO-1390) which referenced international application PCT/DE01/00162.

On 16 December 2006, applicant filed the present petition under 37 CFR 1.182.

**DISCUSSION**

The petition states that the Transmittal Letter filed 08 November 2001 referenced international application number PCT/DE01/00162 by mistake due to an inadvertent clerical error. A review of the papers filed on 08 November 2001 reveals that the submission was otherwise consistent with international application number PCT/DE01/00678. Applicant's explanation for the error is accepted.

**CONCLUSION**

For the reasons above, the petition under 37 CFR 1.182 is GRANTED.

The national stage papers filed 08 November 2001 have been assigned U.S. Application Number 10/563,990.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a properly executed oath or declaration in compliance with 37 CFR 1.497 must be filed.



Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 571-272-3303  
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PATENT  
10191/2040

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Uwe ZIMMERMANN et al.  
Serial No. : 09/980,978  
Receipt Date : November 8, 2001  
For : OBJECT DETECTION SYSTEM

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6 JAN 2005

**PETITION UNDER 37 CFR 1.181**

Legal Staff  
International Division

SIR:

The above-noted application was filed at the PCT Branch of the U.S. Patent Office on November 8, 2001. A copy of the postcard bearing the PTO date stamp of November 8, 2001 is attached hereto.

During a review of pending applications, it was noted that a Missing Requirements was never received for this application and thus prompted a series of telephone calls to the PCT Help Desk. Each telephone discussion uncovered that this application could not be found.

Also, in checking the Pair System, it is noted that this application has not been examined nor moved since January 3, 2002.

We hereby petition to the Director that this application be located or a reconstruction of the file be initiated.

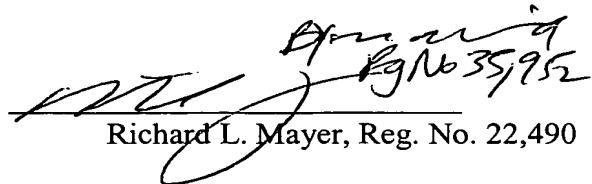
The instant application was filed without a Declaration and Power of Attorney. To complete the filing requirements, we are enclosing the signed Declaration and Power of Attorney and request that the surcharge of \$130.00 be charged to Kenyon & Kenyon, Deposit Account No. 11-0600.

EV323020457US

No fee is believed to be due for this Petition, but the Commissioner is hereby authorized to charge any necessary fees or credit any overpayment in connection with this paper to Deposit Account No. 11-0600. A copy of this petition is enclosed for that purpose.

Respectfully submitted,

Dated: 12/30/04 By:

  
Richard L. Mayer, Reg. No. 22,490

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Uwe ZIMMERMANN et al.  
 PCT Appln. No. : PCT/DE01/00678  
 PCT Filing Date : February 22, 2001  
 U.S. Serial No. : 09/980,978  
 Receipt Date : November 8, 2001  
 For : OBJECT DETECTION SYSTEM

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**PETITION UNDER 37 C.F.R. 1.182 (& RESPONSE TO DECISION ON "PETITION  
 UNDER 37 C.F.R. 1.181" FILED ON DECEMBER 30, 2004)**

SIR:

In response to the Decision (mailed on August 16, 2005) on "Petition Under 37 C.F.R. 1.181" (filed on December 30, 2004), and pursuant to the telephone discussion with Brian Tung of the PCT Legal Department, Applicants submit this Petition under 37 C.F.R. 1.182 to correct the PCT International Application Number for the above-identified U.S. national stage application: on Form PTO 1390 submitted on November 8, 2001 for the above-identified U.S. national stage application, Applicants erroneously listed the PCT application no. "PCT/DE01/00162," instead of the correct PCT application no. PCT/DE01/00678. This typographical mistake was an inadvertent clerical error. We are enclosing herewith a corrected Form PTO-1390, which lists the correct PCT Application No. PCT/DE01/00678.

In view of the corrected Form PTO 1390 listing the correct PCT Application No. PCT/DE01/00678, Applicants submit that U.S. Application No. 09/980,978 should be properly attributed to the U.S. national stage application filing corresponding to PCT Application No. PCT/DE01/00678.

Express Mail No. EU 320194710 US

The Commissioner is hereby authorized to charge any necessary fees, including a two-month extension fee of \$450 and a petition fee of \$130 under 37 C.F.R. 1.17(h), or credit any overpayment in connection with this paper, to Deposit Account No. 11-0600. A copy of this petition is enclosed for that purpose.

Respectfully submitted,

KENYON & KENYON



(R. No. 36197)

Dated: December 16, 2005

By: Jong Lee for Richard Mayer  
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16 AUG 2005

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In re Application of WINTER et al	:	
U.S. Application No.: 09/980,978	:	
PCT Application No.: PCT/DE01/00162	:	DECISION
Int. Filing Date: 17 January 2001	:	
Priority Date Claimed: 17 February 2000	:	
Attorney Docket No.: 10191/2040	:	
For: OBJECT DETECTION SYSTEM	:	

This is in response to applicant's "Petition Under 37 CFR 1.181" filed 30 December 2004.

**BACKGROUND**

On 17 January 2001, applicant filed international application PCT/DE01/00162, which claimed priority of an earlier Germany application filed 17 February 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 23 August 2001. The twenty-month period for paying the basic national fee in the United States expired on 17 October 2001.

On 17 October 2001, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and was assigned U.S. Application Number 09/959,145.

On 08 November 2001, applicant filed another set of national stage papers in the DO/EO/US. The submission included a Transmittal Letter (Form PTO-1390) which referenced international application PCT/DE01/00162.

On 28 March 2002, the DO/EO/US mailed a Notice of Cancellation of Assigned Serial Number (Form PCT/DO/EO/908)<sup>1</sup>

On 30 December 2004, applicant filed the present petition under 37 CFR 1.181, which requests the Office to locate or reconstruct U.S. Application Number 09/980,978.

<sup>1</sup> A copy of the Notice of Cancellation of Assigned Serial Number is attached to this decision.

### DISCUSSION

The end result for an international application designating the United States is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers for the same international application was improper. Thus, the cancellation of U.S. Application Number 09/980,978 and the mailing of the Notice of Cancellation of Assigned Serial Number was appropriate.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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